



JUDGE  
STEVEN E. MARTIN

# Court of Common Pleas

HAMILTON COUNTY COURT HOUSE  
CINCINNATI, OHIO 45202-1217

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July 12, 2007

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Re: Milacron, Inc., et al. v. The Fairchild Corporation and RHI Holdings, Inc., v. American International Group, Inc., et al.  
Case No. A0404162

Dear Counsel,

I have reviewed the file and the evidence in this case.

I find the plaintiff has proven its case by a preponderance of the evidence as to the question of whether it is entitled to contribution. I do find that the plaintiff is only entitled to receive contribution for those who worked at two employers - Mueller Machine & Tool Company and Patterson Mold & Tool Company.

I reviewed the evidence and found the testimony of George Marik to be helpful but not dispositive in the question of which shop used the tool in question. After reviewing all the evidence I find that there is a lack of evidence that the tools were used at Anderson

Polishing, Davis Tool & Die, G H Tool & Die, Hoffman Tool & Die, Maine Finishing, St. Louis Tool, Supreme Tool and Westhoff Tool.

I agree with the plaintiff's allocation formula for those workers for whom contribution should be made. Those workers are as follows:

1. John Bernosky	Mueller/Patterson 1992 – 2000	\$ 871,111.11
2. Kenneth Bond	Mueller/Patterson 1989 – 2003	\$ 575,000.00
3. Tony Bradley	Mueller from April 1993 - 2003 1/2 X \$235,294.12 + \$82,352.94	\$ 200,000.00
4. Keith Davis	no contribution	\$ 0.00
5. Brian Kelley	Mueller/Patterson 1995 – 2000 \$43,750.00 + (\$306,250.00 X 4/6 X 1/2)	\$ 145,833.33
6. Steven Kelley	Mueller 1988 – 1996 Patterson 1996 – 2002 \$205,882.35 + (\$144,117.65 X 4/6 X 1/2)	\$ 253,921.57
7. Andrea Lazzareschi	no contribution	\$ 0.00
8. Rob Nasello	Mueller 1994 – 2001	\$ 240,625.00
9. Calvin Oyan	Mueller 2000 – 2001 \$50,000.00 X 1/15 X 1/2	\$ 1,666.67
10. Shane Picker	Mueller 1996 – 2003 1/4 X \$136,363.64 + \$119,318.18	\$ 153,409.09
11. Derrick Pickles	Mueller 1989 – 1994, 1996, 2003 Patterson 1995 – 2001 \$262,500.00 X 6/7 + \$93,750.00	\$ 318,749.98
12. Anna Polach	Mueller 1993 – 2003 4/10 X \$58,823.52 + \$20,588.24	\$ 44,117.65
13. Bradley Schlater	Mueller/Patterson 1991 – 2000	\$ 260,000.00
14. Dale Schlater	Mueller/Patterson 1987 – 2003	<u>\$ 281,911.73</u>
	Total	\$3,346,346.13

As I said, I found the formula set forth in the closing brief of the plaintiff to be fair. The stipulation regarding employment dates refers to years and not months so I tried to work with that the best I could.

Please check my math. If there are any questions, I will be back in court on July 31, 2007. Mr. Bechhold, please prepare the entry in this case and present it to the Court on August 3, 2007 at 9:00 A.M. At that time, we will meet to see what, if anything else, needs to be done in the case.

You already have my previous letter detailing why I believe the Ohio Contribution Statute applies here. That finding should be in the entry as well.

Thank you for a very interesting case.

Very truly yours,  
  
Steven E. Martin,  
Judge

SEM/ela